

**REVISED**

**REVISED TO REFLECT THAT PLANNING ITEMS 44 AND 56 ARE NOT CONSENT ITEMS.**  
**REVISED TO ADD ADDENDUM #16A**

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
September 9, 2003, 9:00 A.M.

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the previous meeting

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AWARDS AND PRESENTATIONS

Proclamations

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PUBLIC AGENDA

1. Jay Jones-Special Event Carnival Rides.
2. Marydel Grayum-Vice-President of Plastic Recycling of Kansas, Inc.
3. James D. Leonard, AAI-Conflict of City Code and actual taxi service operations.

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NEW BUSINESS

4. Public Hearing and Issuance of Industrial Revenue Bonds, Big Dog Motorcycles, L.L.C. (District I)

On October 19, 1999, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2 million, and granted a five-plus-five-year 100% tax exemption on all bond-financed property to Big Dog Motorcycles, L.L.C. On October 2, 1002, City Council also approved the issuance of Industrial Revenue Bonds in the amount of \$800,000, and granted a 100% property tax abatement on bond-financed property to finance the construction of a new warehouse.

RECOMMENDED ACTION: Close the public hearing and approve first reading of the Ordinance.

5. Special Assessment Financing: 15-year v. 20-year Term.

The Wichita Area Builders Association (WABA) has requested City Council consideration of lengthening the bond term for special assessment debt from its current 15 years to 20 years, matching a proposed change in the collection of special assessments from property owners. The goal of an extension of the term would be to lower monthly/annual special assessment payments.

RECOMMENDED ACTION: Approve establishment of a committee of Wichita Area Builders Association (WABA) members and City staff to review and recommend the term of special assessment financing for prospective new developments on a case-by-case basis.

6. HUD Consolidated Plan Annual Performance and Evaluation Report.

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan. The CAPER includes activities of the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs covering the period from July 1, 2002, through June 30, 2003.

RECOMMENDED ACTION: Close the Public Hearing; receive and file the report; and authorize the necessary signatures.

7. Internet Payment Processing.

In October 2001, after the completion of a request for proposal process, the City Council awarded the City's merchant services contract to Bank of America.

RECOMMENDED ACTION: Approve agreements, authorize necessary signatures; and adopt the Resolution.

8. Property Acquisition-132 North Mosley. (District VI)

The City Council approved an Option to Purchase Real Property, located at 132 North Mosley (the site of the former Kansas Paint facility), on April 1, 2003. The real estate closing date is October 1, 2003.

RECOMMENDED ACTION: Authorize execution of the purchase option and the necessary signatures.

9. Industrial Land Task Force Report.

The City Council has studied the need for industrial lands for future and potential industrial and business center parks for economic development prospects. A Task Force was formed to evaluate the need for industrial land for economic development purposes.

RECOMMENDED ACTION: Approve acquisition and area criteria, proposed incentives; authorize negotiation of preferred sites land adjacent to City's airports, and work with private developers to re-certify sites for marketing.

10. Proposal on Cellular Telephones and Uses.

The City provides cellular phones to authorized employees where mobile communications away from office or work site is necessary.

RECOMMENDED ACTION: Approve the cellular telephone program.

11. 21st Street Corridor Development Request for Loan/Land. (District I)

A & M Development has requested the City to enter into a public-private partnership and make available funding assistance and land to facilitate construction of a small retail center at 2151 East 21st Street, to complete the 21<sup>st</sup> Street Corridor Development Project.

RECOMMENDED ACTION: Approve CDBG financing and loan along with land, or reject request.

12. Water Well Testing and Analysis Services Proposal.

Recently, the Department of Environmental Health has received inquiries from some neighboring communities requesting the reestablishment of water quality and well inspection services from Environmental Health on an as needed basis.

RECOMMENDED ACTION: Approve the well inspection and analysis program services proposal.

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CITY COUNCIL AGENDA

13. Approval of Travel Expenses for City Council Members to attend League of Kansas Municipalities Annual Conference in Topeka, October 11-14, 2003.

RECOMMENDED ACTION: Approve the expenditures.

14. Approval of Travel Expenses for Council Member Brewer to attend the National League of Cities' Economic Development Steering Committee Meeting in Sunrise, Florida, October 9-11, 2003.

RECOMMENDED ACTION: Approve the expenditures.

15. Selection of League of Kansas Municipalities Annual Conference Voting and Alternate Voting Delegates.

The City of Wichita may select up to a maximum of eleven (11) voting delegates and eleven (11) alternate voting delegates to represent the City in the conduct and management of the affairs of the League at the Annual Conference to be held in Wichita, October 11-14, 2003.

RECOMMENDED ACTION: Approve the voting and alternate delegate(s).

16. Appointment of Small Business Task Force Members (Discussion at workshop).

RECOMMENDED ACTION: Make the appointments.

(Addendum)

16A. Amendment to City/County Contract for Economic Development Services.

On August 19, 2003, the City Council approved an agreement between the City and Sedgwick County for participation in a new regional economic development organization, the Greater Wichita Economic Development Coalition ("GWEDC). Implementation of the economic development program will be carried out by the staff of the Wichita Area Chamber of Commerce, under the terms of a contract with GWEDC.

RECOMMENDED ACTION: Take desired action.

17. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

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CONSENT AGENDA

18. Report of the Board of Bids and Contracts Dated September 8, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

19. Application for License for Adult Entertainment Establishment/Services:

Renewal Adult Entertainment

Norman Massey Jr.	Zigefields	4200 West Kellogg Drive
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RECOMMENDED ACTION: Approve license subject to Staff review and approval.

20. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Dennis Maloney	Express Petroleum LLC	441 South Greenwich Road
Stan Edde	Falley's Inc., dba Food 4 Less #18	6727 West Central
Stan Edde	Falley's Inc., dba Food 4 Less #23	2141 South Meridian
Stan Edde	Falley's Inc., dba Food 4 Less #37	3020 East Douglas
Stan Edde	Falley's Inc., dba Food 4 Less #38	640 North West Street
Boyce C. Bailey	Osco Drug #5111	2323 North Amidon
Boyce C. Bailey	Osco Drug #5132	2501 South Seneca
Boyce C. Bailey	Osco Drug #5135	4035 East Harry
Bao Q. Tran	B & H Fast Trips Co.	2796 South Seneca

<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Sam Chitalad	Darla BBQ and Thai Cuisine*	5710 West Central Avenue
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Nasma H. Larhain	Johnny's Mini Mart #1	8008 East 21st Street
Nasma H. Larhain	Johnny's Mini Mart #2	3810 North Woodlawn
Steven Byers	C.B.'s Express, Inc.	7115 West 13th Street

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

21. Preliminary Estimates:

- a) Crest Street/Donegal Lane/Bristol Street from the north line of Reserve A (south line of Pine Meadow Street) to the north line of Lot 25, Block 1 (south line of Pine Meadow Street); Bristol Court from the west line of Bristol to and including the cul-de-sac serving Lots 11 through 17, Block 2; Bristol Court from the east line of Bristol to and including the cul-de-sac serving Lots 16 through 20, Block 1; Crest Court serving Lots 5 through 8, Block 1 to serve Pine Meadow Addition - east of Greenwich, south of 13th Street. (472-83458/765803/490914) Does not affect existing traffic.. (District II) - \$404,000.00
- b) Install traffic signals at the Intersection of 29th & Webb - 29th, Rock to Webb Phase II - (29th Street North & Webb Road. (472-83519/706841/202307) Traffic to be maintained using flagpersons and barricades. (District II) - \$120,000.00
- c) Zelta from the south line of Lincoln to the east line of Lot 46, Block 5; Zelta Court, serving Lots 1 through 9, Block 1, from the west line of Zelta to and including the cul-de-sac; Zelta Court, serving Lots 23 through 29, Block 3 from the east line of Zelta to and including the cul-de-sac; Bracken from the north line of Zimmerly to the west line of Zelta; Bracken Court, serving Lots 14 through 18, Block 2 from the south line of Bracken to and including the cul-de-sac; Zimmerly from the west line of Lot 20, Block 1 to the west line of Zelta; Zimmerly Court serving Lots 12 through 22, Block 3 from the north line of Zimmerly to and including the cul-de-sac; Sidewalk on one side of Zimmerly from the east line of Bracken, to the west line of Zelta; Sidewalk on the west side of Zelta from the south line of Lincoln to the west line of Lot 46, Block 5; Sidewalk on the east side of Zelta from the south line of Lincoln to the north line of Lot 31, Block 3; Sidewalk on one side of Bracken from the north line of Zimmerly to the west line of Zelta to serve Woodland Lakes Estates Third Addition - north of Harry, west of 127th Street East. (472-83715/765800/490911) Does not affect existing traffic. (District II) - \$662,000.00
- d) Joann, Central to Zoo to serve Westridge Acres, Davis Gardens, and Omo Additions - north of Central, west of Sheridan. (472-83475/765718/490829) Traffic to be maintained using flagpersons and barricades. (District VI) - \$207,200.00
- e) Bayley Court from the south line of Bayley, south to and including the cul-de-sac to serve Hilltop Manor Third Addition - north of Harry, west of Oliver. (472-83765/602500/800301/010110) Does not affect existing traffic. (District III) - \$40,000.00

RECOMMENDED ACTION: Approve and file.

22. Petitions for Public Improvements:

- a) Construct a storm water drain to serve Crystal Creek Addition-north of Harry, west of Greenwich. (District II)
- b) Widen Amidon South of 21<sup>st</sup> to serve part of Lakeview Estates Addition. (District VI)
- c) Pave Westlake Parkway in Fox Ridge Addition-north of 29<sup>th</sup> Street North, between Maize and Tyler. (District V)
- d) Construct a Sanitary Sewer to serve part of Mediterranean Plaza Addition-North of 29<sup>th</sup> Street North, West of Webb. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

23. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

24. Agreements/Contracts:

- a) Grant Agreement-Hess Pump Station motor replacements
- b) Thunderbird Office Park-south of Maple, west of 119<sup>th</sup> Street West-supplemental. (District V)
- c) The Waterfront Addition-north of 13<sup>th</sup>, east of Webb, (\$3,900.00)-supplemental. (District II)
- d) The Waterfront Addition-north of 13<sup>th</sup>, east of Webb, (\$66,325.00)-supplemental. (District II)
- e) Third Street from Arkansas River to St. Francis-supplemental. (District VI)
- f) Clear Creek Addition-west of 143<sup>rd</sup> Street East, south of Kellogg supplemental. (District II)
- g) Tyler's Landing Addition-south of 37<sup>th</sup> Street North, east of Tyler-supplemental. (District V)
- h) Shadow Woods Addition-west of 135<sup>th</sup> Street West, north of Maple (\$17,100.00)– supplemental. (District V)
- i) Easement encroachment. (District II)
- j) Professional services (legal)-Gilbert & Mosley Project – supplemental.
- k) Various departments, boards and agencies trash containers and collection service.
- l) Lift Station No. 2-15<sup>th</sup> Street and Ferrell.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

25. Design Services Agreements:

- a) This Item pulled from the Agenda.
- b) Fox Ridge Addition-north of 29<sup>th</sup> Street North, between Maize and Tyler. (District V)
- c) The Collective Addition-east of K-96, south of 21<sup>st</sup>. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

26. Change Orders:

- a) Storm water drain to serve Forest Lakes Addition-north of 29<sup>th</sup> Street North, west of Ridge. (District V)
- b) Northwest Sewage Treatment Plant-north of 37<sup>th</sup> Street North, east of 135<sup>th</sup>. (District V)

RECOMMENDED ACTION: Approve the Change Orders, authorize the necessary signatures.

27. HUD Economic Development Initiative Grant-Evergreen Library.

RECOMMENDED ACTION: Approve the grant application,

28. Historic Preservation Board By-laws Amendments.

RECOMMENDED ACTION: Receive and file the By-laws.

29. Application for Kansas Wildlife & Parks Recreation Trails Grant. (District I)

RECOMMENDED ACTION: Approve the grant application and authorize necessary signatures.

30. Replace Windows and Repair Floors in Boathouse. (District I)

RECOMMENDED ACTION: Approve the project and authorize necessary signatures.

31. IRB-Bonds, Century Manufacturing, Inc. (District II)

RECOMMENDED ACTION: Ratify the call for redemption.

32. Acquisition of a Portion of 7024 East Kellogg for the East Kellogg Improvement Project. (District II)

RECOMMENDED ACTION: Approve the acquisition.

33. Finalization of Land Ownership: Old Town Cinema Project. (District VI)

RECOMMENDED ACTION: Approve the transfer.

34. Sewer Easement for Sanitary Sewer Main to serve an Area North of 29<sup>th</sup> Street North, West of Tyler. (District V)

RECOMMENDED ACTION: Authorize payment for easement.

35. Sanitary Sewer Main to serve an area generally bounded by 29<sup>th</sup> Street North, Hoover, K-96, and Tyler. (District V)

RECOMMENDED ACTION: Adopt the Resolution.

36. Dispute Resolution Officer Agreement Amendment-Gilbert & Mosley.

RECOMMENDED ACTION: Approve the amendment to the Agreement.

37. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for (37) paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held September 29, 2003.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 7, 2003, and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

38. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for (31) water projects, (30) sewer projects and (6) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 1, 2003, at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 7, 2003 and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.



39. Second Reading Ordinances: (First read August 19,2003)

a) Animal control.

An Ordinance amending Sections 6.04.010, 6.04.040, 6.04.046, 6.04.047 and 6.04.048 of the Code of the City of Wichita, Kansas, pertaining to animal control and protection.

b) Central Avenue Bridge at Tara Street. (District II)

An Ordinance declaring the Central Bridge at Tara (472-83801) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

c) Amendment to the Minimum Facility Liability Insurance Standards for Licensed Alternative Correctional Housing Facilities.

An Ordinance amending Section 20.08.110 of the Code of the City of Wichita, Kansas, pertaining to minimum liability insurance standards for alternative correctional housing facilities, and repealing the original of said Section.

d) Sidewalk repairs.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

e) A03-21- near the southwest corner of the South Tyler Road /West MacArthur Street Intersection. (District IV)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas.

RECOMMENDED ACTION: Adopt Ordinances.

39A. First Reading Ordinance - Technical Board Residency.

An Ordinance for the City of Wichita pertaining to residency requirements for certain boards and commissions: amending Sections 2.210.010, 18.04.020, and 22.04.150 of the Code of the City of Wichita; and repealing the original of said Sections.

RECOMMENDED ACTION: Approve first reading of the Ordinance.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

- \*40. DED2003-16-Dedication of a Utility Easement, located South of Central and West of West Street.  
(District IV)

RECOMMENDED ACTION: Accept the Dedication.

- \*41. DED2003-18-Dedication of a Utility Easement, located on the Northwest Corner of Webb and 29<sup>th</sup> Street North. (District II)

RECOMMENDED ACTION: Accept the Dedication.

- \*42. DED2003-19-Dedication of Access Control, located North of Orme and West of Goveneour. (District II)

RECOMMENDED ACTION: Accept the Dedication.

- \*43. ZON2003-36-Zone Change from Limited Industrial, General Office and Multi-family Residential to General Commercial,-South of Murdock and East of Topeka. (District VI)

RECOMMENDED ACTION: Approve the Zone change, subject to replatting within a year; Ordinance to be forwarded to City Council with the plat.

44. CUP2003-25 (Associated with ZON2003-25)-Amendment to DP-3 Twin Lakes Shopping Center C.U.P. and a Zone Change from Single-family Residential, Multi-family Residential, Limited Commercial and General Office to General Commercial-southeast corner of 21<sup>st</sup> Street North and Amidon. (District VI)

RECOMMENDED ACTION: Approve the Zone change and C.U.P. Amendment, subject to platting within one-year and recommended conditions; Ordinance to be forwarded to City Council with the plat.

- \*45. CUP2003-38 (Associated with ZON2003-37)-Amendment #2 to DP238-Twenty First Growth Commercial C.U.P. and a Zone Change from Multi-family Residential to Limited Commercial.-North of 21<sup>st</sup> Street North and East of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve the Zone change and C.U.P. Amendment, subject to recommended conditions, and first reading of the Zon2003-37 Ordinance.

- \*46. SUB2000-117-Plat of Wichita Boeing Employees Association Addition-South of MacArthur, West of Broadway. (District IV)

RECOMMENDED ACTION: Approve documents and plat; authorize the necessary signatures; adopt the Resolutions.

- \*47. SUB2002-89-Plat of Hentzen Addition-Southwest corner of Hillside and 37<sup>th</sup> Street North. (District I)

RECOMMENDED ACTION: Approve the documents, plat and first reading of the ZON2002-48 Ordinance, with publication being until the Plat is recorded with the Register of Deeds; authorize the necessary signatures; and adopt the Resolutions.

- \*48. SUB2002-144-Plat of Avalon Park Addition-North side of 37<sup>th</sup> Street North and the East side of Tyler Road. (District V)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures, and adopt the Resolutions.

- \*49. SUB2003-10-Plat of National By-Products Second Addition-South of 21<sup>st</sup> Street North, East of Broadway. (District VI)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

- \*50. SUB2003-39-Plat of Shoal Creek Second Addition-West Side of 143<sup>rd</sup> Street East, South of Central. (District II)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures and adopt the Resolutions.

- \*51. SUB2003-76-Plat of Hawthorne Second Addition-North of 21<sup>st</sup> Street North, East of 127<sup>th</sup> Street West. (District II)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures and adopt the Resolutions.

- \*52. SUB2003-77-Plat of Wichita Family Vision Second Addition-West of Tyler, South of Central. (District V)

RECOMMENDED ACTION: Approve the document and Plat and first reading of the ZON2000-35 Ordinance, with publication withheld until the Plat is recorded with the Register of Deeds; and authorize the necessary signatures.

- \*53. VAC2003-36-Request to Vacate a platted Access Control and a Reserve-Northeast of the 13<sup>th</sup> Street North-Webb Road intersection-1401 Waterfront Parkway. (District II)

RECOMMENDED ACTION: Approve the Vacation Order; authorize the necessary signatures.

- \*54. VAC2003-38-Request to Vacate a Platted Easement-Northeast corner of Meridian Avenue-2<sup>nd</sup> Street Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order; authorize the necessary signatures.

- \*55. VAC2003-39-Request to Vacate Platted 20-foot Alley Right of Way-North of Murdock Avenue and between Santa Fe Avenue, West, and Mead Avenue, East. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order; authorize the necessary signatures.

7:00 p.m. Sedgwick County Extension Center, 7001 West 21st Street North.

56. A03-15-The Unilateral Annexation of Eligible Properties Generally-North of 29<sup>th</sup> Street North and West of North Maize Road, to the City of Wichita, Kansas. (District V)

RECOMMENDED ACTION: Approve the annexation; determine that a public emergency exists; and adopt the annexation Ordinance on this day of its introduction.

57. A03-18-Request to Annex land-South of 37<sup>th</sup> Street North between Tyler Road and Maize Road. (District V)

RECOMMENDED ACTION: Approve the annexation; determine that a public emergency exists; and adopt the annexation ordinance on this day of its introduction.

58. A03-19-Request to Annex land-South of 37<sup>th</sup> Street North between 119<sup>th</sup> Street West and Maize Road. (District V)

RECOMMENDED ACTION: Approve the annexation; determine that a public emergency exists; and adopt the annexation ordinance on this day of its introduction.

59. A03-20-Request to Annex land-South of 37<sup>th</sup> Street North between 119<sup>th</sup> Street West and Maize Road. (District V)

RECOMMENDED ACTION: Approve the annexation; determine that a public emergency exists; and adopt the annexation ordinance on this day of its introduction.

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AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

60. Airfield Pavement Runway 1L/19R and TWY "D" Shoulders Rehabilitation.

RECOMMENDED ACTION: Approve the Agreements; capital budget adjustment; and authorize the necessary signatures.

61. Tenant Facility Improvements.

RECOMMENDED ACTION: Approve the Supplemental Agreement; adopt the Resolution; and authorize the necessary signatures.

62. Midfield Road Site Development.

RECOMMENDED ACTION: Approve the project; adopt the Resolution; and authorize the necessary signatures.

63. Airfield Pavement-Taxiway "A", "A-1", and North General Aviation Taxilane Reconstruction.

RECOMMENDED ACTION: Approve the contract and capital project budget, and authorize the necessary signatures.

Adjournment

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